

REMARKS/ARGUMENTS

After the foregoing Amendment, claims 37, 38, 42-44, 48, 68, and 69 are currently pending in this application. Claims 39-41, 45-47, 49-67 are cancelled without prejudice. Claims 37, 38, 42-44, and 48 are amended and new claims 68-69 are added.

Claim Rejections - 35 USC §102

Claims 37, 42, 43, 48-50, 53, 61, 63, and 65 are rejected under 35 U.S.C. §102 as anticipated by U.S. Patent No. 5,708,656 to Noneman et al. (hereinafter "Noneman"). The Applicants respectfully disagree.

Noneman discloses a method for solving the problem of inefficient packet data transmission (see Noneman, column 2, lines 16-17).

To solve this problem, Noneman teaches the idle rate transmission of idle packets to allow the receiving end of a communication channel to maintain synchronization with the transmitting end of the communication channel (see Noneman, column 2, lines 23-26). More particularly, Noneman teaches using inactivity timers so that during idle times when no packets are being transmitted, one or more idle frames are transmitted at Block D at the Idle Rate and again at the Peak Rate (D1) if packet data becomes available before the expiration of the an Idle inactivity timer to maintain synchronization between a transmitter and a receiver (see Noneman, column 5, lines 50-57).

Noneman merely discloses the use of an inactivity timer to signal the sending of one or more idle frames at a particular rate. In contrast, the pending claims do not use of inactivity timers or vary the transmission rate of idle frames. Noneman fails to teach or describe receiving "a time slot assignment from the base station over the CDMA channel" and transmitting "an idle mode signal over the CDMA

channel to the base station, the idle mode signal based on the time slot assignment when the wireless transceiver is powered on but not actively transmitting data to maintain timing alignment; wherein the idle mode signal alternates between sending bits and not sending bits in time slots" as recited in amended claim 37.

Therefore, claims 37 and 43 and their respective dependent claims, claims 38, 42, 44, 48, 68, and 69, are inventive in view of Noneman.

Claim Rejections - 35 USC §103

Claims 38, 44, 54, and 55 are rejected under 35 U.S.C. §103(a) as being unpatentable over Noneman in view of U.S. Patent No. 5,101,416 to Fenton et al. (hereinafter "Fenton"). Amended claim 38 is patentable for the reasons stated above. Further, the rejection of claims 44, 54, and 55 is now moot because these claims are canceled.

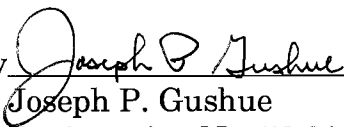
Claims 39-41, 45-47, and 51 are rejected under 35 U.S.C. §103(a) as being unpatentable over Noneman in view of U.S. Patent No. 6,016,312 to Storm et al. (hereinafter "Storm"). Claim 52 is rejected under 35 U.S.C. §103(a) as being unpatentable over Noneman in view of U.S. Patent No. 5,559,789 to Nakano et al. (hereinafter "Nakano"). Claims 56, 58, 59, and 67 are rejected under 35 U.S.C. §103(a) as being unpatentable over Noneman in view of Nakano and in further view of Fenton. Claim 57 is rejected under 35 U.S.C. §103(a) as being unpatentable over Noneman in view of Nakano and Fenton and further in view of Storm. Claims 60, 62, and 64 are rejected under 35 U.S.C. §103(a) as being unpatentable over Noneman in view of U.S. Publication No. 2001/0038674 to Trans. Claim 66 is rejected under 35 U.S.C. §103(a) as being unpatentable over Noneman in view of Nakano and Fenton and further view of Trans. Because these claims are canceled, the rejection of these claims is now moot.

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Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

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